

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PROGME CORPORATION,

Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS,  
LLC, et al.,

Defendants.

**Civil Action No. 2:17-cv-1488**

**Judge Gerald A. McHugh**

**COMCAST CABLE COMMUNICATIONS, LLC'S MOTION TO DISMISS UNDER  
RULE 12(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE BECAUSE THE  
PATENT CLAIMS ARE DIRECTED TO UNPATENTABLE SUBJECT MATTER**

Defendant Comcast Cable Communications, LLC (“Comcast Cable”) moves this Court for an order dismissing all claims of Progme Corporation’s Fourth Amended Complaint for Patent Infringement (D.I. 48) under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Comcast Cable respectfully requests dismissal because all claims of the patent asserted in the case, U.S. Patent No. 8,713,425, are invalid as directed to unpatentable subject matter under 35 U.S.C. § 101.

Dated: February 15, 2018

Respectfully submitted,

/s/ Daniel J. Goettle

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**CERTIFICATE OF SERVICE**

I, Stephanie M. Papastefanou, hereby certify that on February 15, 2018, a copy of Comcast Cable Communications, LLC's Motion To Dismiss Under Rule 12(B)(6) Of The Federal Rules Of Civil Procedure Because The Patent Claims Are Directed To Unpatentable Subject Matter was served upon counsel at the address and in the manner indicated:

**ELECTRONIC MAIL, CERTIFIED MAIL AND ECF**

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*/s/ Stephanie M. Papastefanou*